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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.618 OF 2005

Bandu Shankar Velhal — Appellant
versus
Zilla Parishad, Kolhapur
and another — Respondents

WITH
SECOND APPEAL NO.1263 OF 2004

Bandu Shankar Velhal — Appellant
versus
Zilla Parishad, Kolhapur
and another — Respondents

Mr.H.D.Gole for appellant.
None for respondents.

CORAM : A.P.DESHPANDE, J.

DATE : 12TH JULY 2007

PC :

1. Both the appeals are filed by one Bandu. One Baliram was admittedly the exclusive owner of the property which is a house property. Baliram was unmarried and did not have any close relation. There is a registered will executed by Baliram dated 24th April 1969 whereunder the house property has been willed in favour of the Zilla

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Parishad for housing a school. On the basis of the said will dated 24th April 1969 the Zilla Parishad filed a suit against Bandu, the appellant, and sought a declaration about ownership and title to the property under the will and also asked for possession. This suit filed by the Zilla Parishad has been decreed by the Trial Court and the judgment and decree passed by the Trial Court is confirmed by the First Appellate Court by dismissing the Regular Civil Appeal filed by Bandu.

2. The appellant Bandu had filed Miscellaneous Application No.86 of 1977 for obtaining Probate of another will dated 20th January 1973 in respect of the same property. The Trial Court has dismissed the said application and the First Appellate Court has dismissed the appeal, concurring with the view taken by the Trial Court.

3. A perusal of the judgment impugned in these appeals reveal that the Courts below have considered the evidence on record in its proper perspective and reached a conclusion that Bandu who is claiming the suit property under will allegedly executed by Baliram in the year 1973,

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has failed to dispel the cloud of doubt over the execution of the will allegedly made in his favour. Having held that the registered will executed in favour of Zilla Parishad is legal and valid, the suit has been decreed.

4. Perused the judgment and decree impugned in the appeal. No substantial question of law emerges for consideration. The learned counsel for the appellant is unable to point out any substantial question of law and hence the Second Appeals deserve to be dismissed. Accordingly, the Second Appeals are summarily dismissed.

(A.P.DESHPANDE, J.)